

## Remarks

### I. Status of the Claims

Claims 1-3 and 5-8 have been amended to correct typographical errors and clarify Applicants' invention. Independent claim 1 has been further amended to contain only the subject matter elected in response to a Restriction Requirement (see paragraph II below). Support for the amendment to the claims can be found in the claims as originally filed and throughout the specification. No new matter has been added by the present amendment. Claims 9-14 have been cancelled without waiver, prejudice or disclaimer. Applicants reserve the right to pursue the cancelled claims in a separate continuation/divisional application. Upon entry of this amendment, claims 1-8 will be pending.

### II. Improper Markush Group

Claims 1-14 stand rejected as being drawn to an improper Markush group because the Markush groups of the terms k, l, m and W have variably different definitions, rendering the claims clearly improper. Applicants respectfully disagree and traverse this rejection.

In response to a written Restriction Requirement mailed on July 29, 2003, Applicants elected Group I. As set forth in the Restriction Requirement, Group I encompasses Claims 1-14, drawn to the compounds, compositions and method of use of the compounds of formula I where the ring formed is 3,8-diaza-bicyclo[3.2.1]octy-8-yl (emphasis added). As such, for examination purposes, k, l, m and W are, respectively, 2, 0, 0 and N, and all other variables for k, l, m and W are withdrawn from consideration. The claims are not improper but contain non-elected subject matter. Solely to expedite prosecution, claim 1 has been amended to limit variables k, l, m and W to elected subject matter. Applicants respectfully request this rejection be withdrawn.

### III. Priority

The specification has been amended to include a benefit of priority claim under 35 U.S.C 119(e) to U.S. Provisional Application No. 60/241,804, filed on October 19, 2000. Applicants respectfully request this objection be withdrawn.

**IV. Rejection Under 35 U.S.C. § 112, first paragraph**

Claims 1-14 stand rejected under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is the Examiner's position that "pro-drugs" is not adequately enabled. While neither agreeing nor disagreeing with the Examiner, and solely to expedite prosecution, this rejection has been rendered moot by the deletion of "pro-drugs" from the claims. Applicants respectfully request this rejection be withdrawn.

**V. Second Rejection Under 35 U.S.C. § 112, first paragraph**

Claims 9-14 stand rejected under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. While neither agreeing nor disagreeing with the Examiner, and solely to expedite prosecution, claims 9-14 have been canceled; thus rendering this rejection moot. Applicants respectfully request this rejection be withdrawn.

**VI. Rejection Under 35 U.S.C. § 112, second paragraph**

Claims 1-14 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each of the rejections will be addressed individually below.

**a) Claims 1-14 are vague and indefinite in that it is not known what is meant by the variable "e" in the structure of formula I which is not defined within the claim.**

This rejection has been rendered moot by the amendment of independent claim 1 to correct the typographical error and remove "e" from formula I. Support for the amendment

can be found on page 2, line 12 of the specification. Applicants respectfully request this rejection be withdrawn.

**b) Claims 1-14 are vague and indefinite in that it is not known what is meant by the period which follows the definition of k, l and m.**

This rejection has been rendered moot by the amendment of independent claim 1 to correct the typographical error and remove the period. Applicants respectfully request this rejection be withdrawn.

**c) Claims 1 and 3-14 are vague and indefinite in that it is not known what is meant by the last moiety beginning on page 76 and ending in the first line of page 77 which is missing an open parentheses, i.e. (C<sub>1</sub>-C<sub>6</sub>)alkoxycarbonyl)(C<sub>1</sub>-C<sub>6</sub>)alkylamino.**

This rejection has been rendered moot by the amendment of independent claim 1 to correct the typographical error and recite “((C<sub>1</sub>-C<sub>6</sub>)alkoxycarbonyl)((C<sub>1</sub>-C<sub>6</sub>)alkyl)amino”. Applicants respectfully request this rejection be withdrawn.

**d) and e) Claims 1 and 3-14 are vague and indefinite in that it is not known what is meant by the last moiety beginning in line 1 on page 77 and ending in line 2 of page 77 which is missing an open parentheses, i.e. (C<sub>1</sub>-C<sub>6</sub>)alkoxycarbonyl)((C<sub>1</sub>-C<sub>6</sub>)alkyl)amino(C<sub>1</sub>-C<sub>6</sub>)alkyl.**

This rejection has been rendered moot by the amendment of independent claim 1 to correct the typographical error and recite “((C<sub>1</sub>-C<sub>6</sub>)alkoxycarbonyl)((C<sub>1</sub>-C<sub>6</sub>)alkyl)amino(C<sub>1</sub>-C<sub>6</sub>)alkyl”. Applicants respectfully request this rejection be withdrawn.

**f) Claims 1-5 and 8-14 are vague and indefinite in that it is not known what is meant by the last moiety beginning in line 30 on page 77 and ending in line 31 of page 77 which includes an \*, i.e. acetylamino(C<sub>1</sub>-\*C<sub>6</sub>)alkylcarbonylamino.**

This rejection has been rendered moot by the amendment of independent claim 1 to correct the typographical error and recite “acetyl amino(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino”. Applicants respectfully request this rejection be withdrawn.

**g) Claims 1-5 and 8-14 are vague and indefinite in that it is not known what is meant by the moiety in line 25 on page 78 which is followed by a semi-colon, i.e. carboxy(C<sub>1</sub>-C<sub>6</sub>)alkylcyanoguanidino;**

This rejection has been rendered moot by the amendment of independent claim 1 to correct the typographical error and delete the semi-colon. Applicants respectfully request this rejection be withdrawn.

**i) Claims 1-5 and 8-14 are vague and indefinite in that it is not known what is meant by the moiety beginning in line 5 on page 79 and ending in line 6 of page 79 which appears to be missing a comma between what is believed to be two separate moieties, i.e. ((C<sub>1</sub>-C<sub>6</sub>)alkyl)<sub>2</sub>amino(C<sub>1</sub>-C<sub>6</sub>)alkylamino(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino (C<sub>1</sub>-C<sub>6</sub>)alkylamino(C<sub>1</sub>-C<sub>6</sub>)alkylamino(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino.**

This rejection has been rendered moot by the amendment of independent claim 1 to correct the typographical error and the comma so that claim 1 recites “((C<sub>1</sub>-C<sub>6</sub>)alkyl)<sub>2</sub>amino(C<sub>1</sub>-C<sub>6</sub>)alkylamino(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino, (C<sub>1</sub>-C<sub>6</sub>)alkylamino(C<sub>1</sub>-C<sub>6</sub>)alkylamino(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino”. Applicants respectfully request this rejection be withdrawn.

**j) Claims 1-5 and 8-14 are vague and indefinite in that it is not known what is meant by the moiety beginning in line 14 on page 79 and ending in line 15 of page 79, i.e. (C<sub>2</sub>-C<sub>9</sub>)heteroaryloxycarbonylamino(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonylaminol.**

This rejection has been rendered moot by the amendment of independent claim 1 to correct the typographical error and recite “(C<sub>2</sub>-C<sub>9</sub>)heteroaryloxycarbonylamino(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonylaminol”. Applicants respectfully request this rejection be withdrawn.

**k) Claims 1-5 and 8-14 are vague and indefinite in that it is not known what is meant by the moiety in line 34 on page 79, i.e. (C<sub>2</sub>-C<sub>9</sub>)heteroarylsulfonyl.**

This rejection has been rendered moot by the amendment of independent claim 1 to correct the typographical error and recite "(C<sub>2</sub>-C<sub>9</sub>)heteroarylsulfonyl". Applicants respectfully request this rejection be withdrawn.

**l) Claims 1-5 and 8-14 are vague and indefinite in that it is not known what is meant by the second occurrence of a comma after the moiety (C<sub>2</sub>-C<sub>9</sub>)heteroaryl(C<sub>1</sub>-C<sub>6</sub>)alkylamino in line 5 of page 80.**

This rejection has been rendered moot by the amendment of independent claim 1 to correct the typographical error and the deletion of the second comma. Applicants respectfully request this rejection be withdrawn.

**m) Claims 1-5 and 8-14 are vague and indefinite in that it is not known what is meant by the moiety in line 13 on page 80 which is missing an open parenthesis, i.e. (C<sub>3</sub>-C<sub>10</sub>)cycloalkyl(C<sub>1</sub>-C<sub>6</sub>)alkyl)amino.**

This rejection has been rendered moot by the amendment of independent claim 1 to correct the typographical error and recite "(C<sub>3</sub>-C<sub>10</sub>)cycloalkyl((C<sub>1</sub>-C<sub>6</sub>)alkyl)amino". Applicants respectfully request this rejection be withdrawn.

**n) Claims 1-5 and 8-14 are vague and indefinite in that it is not known what is meant by the moiety in line 22 on page 80 which is missing a close parenthesis, i.e. (aminocarbonyl(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonyl.**

This rejection has been rendered moot by the amendment of independent claim 1 to correct the typographical error and recite "aminocarbonyl(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonyl". Applicants respectfully request this rejection be withdrawn.

**o) Claims 1-5 and 8-14 are vague and indefinite in that it is not known what is meant by the moiety beginning in line 22 on page 80 and ending in line 23 f page 80 which is**

**missing a close parenthesis, i.e. ((C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonyl(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonyl.**

This rejection has been rendered moot by the amendment of independent claim 1 to correct the typographical error and recite “(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonyl(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonyl”. Applicants respectfully request this rejection be withdrawn.

**p) Claims 1-5 and 8-14 are vague and indefinite in that it is not known what is meant by the moiety beginning in line 23 on page 80 and ending in line 24 of page 80 which is missing a close parenthesis, i.e. ((C<sub>1</sub>-C<sub>6</sub>)alkoxycarbonyl(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonyl.**

This rejection has been rendered moot by the amendment of independent claim 1 to correct the typographical error and recite “(C<sub>1</sub>-C<sub>6</sub>)alkoxycarbonyl(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonyl”. Applicants respectfully request this rejection be withdrawn.

**q) Claims 1-5 and 8-14 are vague and indefinite in that it is not known what is meant by the moiety beginning in line 24 on page 80 and ending in line 25 of page 80 which is missing a close parenthesis, i.e. (hydroxy(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonylamidino.**

This rejection has been rendered moot by the amendment of independent claim 1 to correct the typographical error and recite “hydroxy(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonylamidino”. Applicants respectfully request this rejection be withdrawn.

**r) Claims 1-5 and 8-14 are vague and indefinite in that it is not known what is meant by the moiety beginning in line 24 on page 80 and ending in line 25 of page 80 which is missing a close parenthesis, i.e. (C<sub>6</sub>-C<sub>10</sub>)aryl(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonyl)((C<sub>1</sub>-C<sub>6</sub>)alkyl)glycinamido.**

This rejection has been rendered moot by the amendment of independent claim 1 to correct the typographical error and recite “((C<sub>6</sub>-C<sub>10</sub>)aryl(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonyl)((C<sub>1</sub>-C<sub>6</sub>)alkyl)glycinamido”. Applicants respectfully request this rejection be withdrawn.

**s) Claims 1-5 and 8-14 are vague and indefinite in that it is not known what is meant by the moiety in line 8 on page 81 which is missing an open parenthesis, i.e. C<sub>2</sub>-C<sub>9</sub>heteroaryl amino(C<sub>2</sub>-C<sub>6</sub>)alkoxy.**

This rejection has been rendered moot by the amendment of independent claim 1 to correct the typographical error and recite “(C<sub>2</sub>-C<sub>9</sub>)heteroaryl amino(C<sub>2</sub>-C<sub>6</sub>)alkoxy”. Applicants respectfully request this rejection be withdrawn.

**t) Claim 2 recites the limitation “(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonyloxy” in the definition of R<sup>1</sup>. There is insufficient antecedent basis for this limitation in the claim.**

This rejection has been rendered moot by the amendment of claim 2 to correct the typographical error and to recite “(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonyl” for which there is antecedent basis in R<sup>1</sup> of independent claim 1. Applicants respectfully request this rejection be withdrawn.

**u) Claim 3 recites the limitation “(C<sub>1</sub>-C<sub>6</sub>)alkyl” in the definition of Z. There is insufficient antecedent basis for this limitation in the claim.**

This rejection has been rendered moot by the amendment of claim 3 to delete “(C<sub>1</sub>-C<sub>6</sub>)alkyl”. Applicants respectfully request this rejection be withdrawn.

**v) Claim 5 recites the limitation “(C<sub>1</sub>-C<sub>6</sub>)alkyl” in the definition of Z. There is insufficient antecedent basis for this limitation in the claim.**

This rejection has been rendered moot by the amendment of claim 5 to delete “(C<sub>1</sub>-C<sub>6</sub>)alkyl”. Applicants respectfully request this rejection be withdrawn.

**w) Claim 6 recites the limitation “(C<sub>2</sub>-C<sub>9</sub>)heteroaryl (C<sub>2</sub>-C<sub>9</sub>)heteroaryloxy” in the definition of R<sup>5</sup>. There is insufficient antecedent basis for this limitation in the claim. See line 14 of page 82.**

This rejection has been rendered moot by the amendment of claim 6 to recite “(C<sub>2</sub>-C<sub>9</sub>)heteroaryl, (C<sub>2</sub>-C<sub>9</sub>)heteroaryloxy”. Each of these two R<sup>5</sup> groups has antecedent basis in claim 1. Applicants respectfully request this rejection be withdrawn.

**x) Claim 6 recites the limitation “carboxy(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonylamino” in the definition of R<sup>5</sup>. There is insufficient antecedent basis for this limitation in the claim.**

**See line 15 of page 82.**

This rejection has been rendered moot by the amendment of R<sup>5</sup> of independent claim 1 to recite “carboxy(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonylamino”. Applicants respectfully request this rejection be withdrawn.

**y) Claim 6 recites the limitation “(C<sub>2</sub>-C<sub>9</sub>)heteroarylaminocarbonylamino” in the definition of R<sup>5</sup>. There is insufficient antecedent basis for this limitation in the claim.**

**See lines 15-16 of page 82.**

This rejection has been rendered moot by the amendment of R<sup>5</sup> of independent claim 1 to recite “(C<sub>2</sub>-C<sub>9</sub>)heteroarylaminocarbonylamino”. Applicants respectfully request this rejection be withdrawn.

**z) Claim 6 recites the limitation “((C<sub>1</sub>-C<sub>6</sub>)alkylamino)(C<sub>6</sub>-C<sub>10</sub>)aryl(C<sub>1</sub>-C<sub>6</sub>)alkyl” in the definition of R<sup>5</sup>. There is insufficient antecedent basis for this limitation in the claim.**

**See lines 31-32 of page 82.**

This rejection has been rendered moot by the amendment of R<sup>5</sup> of claim 1 to recite “((C<sub>1</sub>-C<sub>6</sub>)alkylamino)(C<sub>6</sub>-C<sub>10</sub>)aryl(C<sub>1</sub>-C<sub>6</sub>)alkyl”. Applicants respectfully request this rejection be withdrawn.

**aa) Claim 6 recites the limitation “amino(C<sub>1</sub>-C<sub>6</sub>)alkoxycarbonylamino” in the definition of R<sup>5</sup>. There is insufficient antecedent basis for this limitation in the claim.**

**See line 32 of page 82.**

This rejection has been rendered moot by the amendment of R<sup>5</sup> of independent claim 1 to recite “amino(C<sub>1</sub>-C<sub>6</sub>)alkoxycarbonylamino”. Applicants respectfully request this rejection be withdrawn.



**ab) Claim 6 is vague and indefinite in that it is not known what is meant by the moiety beginning in line 36 on page 82 and ending line 37 on page 82, i.e. ((C<sub>1</sub>-C<sub>6</sub>)alkyl)<sub>2</sub>amino(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino.**

This rejection has been rendered moot by the amendment of claim 6 to correct the typographical error and recite “((C<sub>1</sub>-C<sub>6</sub>)alkyl)<sub>2</sub>amino(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino”.

Applicants respectfully request this rejection be withdrawn.

**ac) Claim 6 recites the limitation “(C<sub>1</sub>-C<sub>6</sub>)alkyl and halo(C<sub>1</sub>-C<sub>6</sub>)alkyl” in the definition of R<sup>5</sup>. There is insufficient antecedent basis for this limitation in the claim. See line 37 of page 82.**

This rejection has been rendered moot by the amendment of R<sup>5</sup> of independent claim 1 to recite “(C<sub>1</sub>-C<sub>6</sub>)alkyl” and “halo(C<sub>1</sub>-C<sub>6</sub>)alkyl”. Applicants respectfully request this rejection be withdrawn.

**ad) Claim 6 recites the limitation “aminocarbonyl” in the definition of R<sup>5</sup>. There is insufficient antecedent basis for this limitation in the claim. See line 2 of page 83.**

This rejection has been rendered moot by the amendment of R<sup>5</sup> of claim 1 to recite “aminocarbonyl”. Applicants respectfully request this rejection be withdrawn.

**ae) Claim 6 is vague and indefinite in that it is not known what is meant by the moiety in line 3 on page 83, i.e. aminocarbonyl(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonyl.**

This rejection has been rendered moot by the amendment of claim 6 to correct the typographical error and recite “aminocarbonyl(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonyl”. Applicants respectfully request this rejection be withdrawn.

**af) Claim 6 recites the limitation “ureido(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino” in the definition of R<sup>5</sup>. There is insufficient antecedent basis for this limitation in the claim. See line 4 of page 83.**

This rejection has been rendered moot by the amendment of R<sup>5</sup> of independent claim 1 to recite “ureido(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino”. Applicants respectfully request this rejection be withdrawn.

**ag) Claim 6 recites the limitation “(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino” in the definition of R<sup>5</sup>. There is insufficient antecedent basis for this limitation in the claim. See line 4 of page 83.**

This rejection has been rendered moot by the amendment of R<sup>5</sup> of independent claim 1 to recite “(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino”. Applicants respectfully request this rejection be withdrawn.

**ah) Claim 6 recites the limitation “(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonylamino” in the definition of R<sup>5</sup>. There is insufficient antecedent basis for this limitation in the claim. See line 4 of page 83.**

This rejection has been rendered moot by the amendment of R<sup>5</sup> of independent claim 1 to recite “(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonylamino”. Applicants respectfully request this rejection be withdrawn.

**ai) Claim 6 is vague and indefinite in that it is not known what is meant by the second occurrence of ureido(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino which appears in line 4 and again in line 5 of page 83.**

This rejection has been rendered moot by the amendment of claim 6 to delete the second occurrence of “ureido(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino”. Applicants respectfully request this rejection be withdrawn.

**aj) Claim 7 recites the limitation “(C<sub>2</sub>-C<sub>9</sub>)heteroaryl (C<sub>2</sub>-C<sub>9</sub>)heteroaryloxy” in the definition of R<sup>5</sup>. There is insufficient antecedent basis for this limitation in the claim. See line 11 of page 83.**

This rejection has been rendered moot by the amendment of claim 7 to correct the typographical error and recite “(C<sub>2</sub>-C<sub>9</sub>)heteroaryl, (C<sub>2</sub>-C<sub>9</sub>)heteroaryloxy”. Each of these two R<sup>5</sup> groups has antecedent basis in claim 1. Applicants respectfully request this rejection be withdrawn.

**ak) Claim 7 recites the limitation “carboxy(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonylamino” in the definition of R<sup>5</sup>. There is insufficient antecedent basis for this limitation in the claim. See line 12 of page 83.**

This rejection has been rendered moot by the amendment of R<sup>5</sup> of independent claim 1 to recite “carboxy(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonylamino”. Applicants respectfully request this rejection be withdrawn.

**al) Claim 7 recites the limitation “(C<sub>2</sub>-C<sub>9</sub>)heteroarylaminocarbonylamino” in the definition of R<sup>5</sup>. There is insufficient antecedent basis for this limitation in the claim. See lines 12-13 of page 83.**

This rejection has been rendered moot by the amendment of R<sup>5</sup> of independent claim 1 to recite “(C<sub>2</sub>-C<sub>9</sub>)heteroarylaminocarbonylamino”. Applicants respectfully request this rejection be withdrawn.

**am) Claim 7 recites the limitation “((C<sub>1</sub>-C<sub>6</sub>)alkylamino)(C<sub>6</sub>-C<sub>10</sub>)aryl(C<sub>1</sub>-C<sub>6</sub>)alkyl” in the definition of R<sup>5</sup>. There is insufficient antecedent basis for this limitation in the claim. See lines 28-29 of page 83.**

This rejection has been rendered moot by the amendment of R<sup>5</sup> of independent claim 1 to recite “((C<sub>1</sub>-C<sub>6</sub>)alkylamino)(C<sub>6</sub>-C<sub>10</sub>)aryl(C<sub>1</sub>-C<sub>6</sub>)alkyl”. Applicants respectfully request this rejection be withdrawn.

**an) Claim 7 recites the limitation “amino(C<sub>1</sub>-C<sub>6</sub>)alkyl xycarbonylamino” in the definition of R<sup>5</sup>. There is insufficient antecedent basis for this limitation in the claim. See line 29 of page 83.**

This rejection has been rendered moot by the amendment of R<sup>5</sup> of independent claim 1 to recite “amino(C<sub>1</sub>-C<sub>6</sub>)alkoxycarbonylamino”. Applicants respectfully request this rejection be withdrawn.

**ao) Claim 7 recites the limitation “aminocarbonyl” in the definition of R<sup>5</sup>. There is insufficient antecedent basis for this limitation in the claim. See line 36 of page 83.**

This rejection has been rendered moot by the amendment of R<sup>5</sup> of independent claim 1 to recite “aminocarbonyl”. Applicants respectfully request this rejection be withdrawn.

**ap) Claim 7 is vague and indefinite in that it is not known what is meant by the moiety in line 36 of page 83, i.e. aminocarbonyl(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonyl.**

This rejection has been rendered moot by the amendment of claim 7 to correct the typographical error and recite “aminocarbonyl(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonyl”. Applicants respectfully request this rejection be withdrawn.

**aq) Claim 7 recites the limitation “ureido(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino” in the definition of R<sup>5</sup>. There is insufficient antecedent basis for this limitation in the claim. See line 37 of page 83.**

This rejection has been rendered moot by the amendment of R<sup>5</sup> of independent claim 1 to recite “ureido(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino”. Applicants respectfully request this rejection be withdrawn.

**ar) Claim 7 recites the limitation “(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino” in the definition of R<sup>5</sup>. There is insufficient antecedent basis for this limitation in the claim. See line 37 of page 83 through line 1 of page 84.**

This rejection has been rendered moot by the amendment of R<sup>5</sup> of independent claim 1 to recite “(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino”. Applicants respectfully request this rejection be withdrawn.

**as) Claim 7 recites the limitation “(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonylamino” in the definition of R<sup>5</sup>. There is insufficient antecedent basis for this limitation in the claim. See lines 1-2 of page 84.**

This rejection has been rendered moot by the amendment of R<sup>5</sup> of independent claim 1 to recite “(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino(C<sub>1</sub>-C<sub>6</sub>)alkylaminocarbonylamino”. Applicants respectfully request this rejection be withdrawn.

**at) Claim 7 is vague and indefinite in that it is not known what is meant by the second occurrence of ureido(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino which appears in line 37 of page 83 and again in line 2 of page 84.**

This rejection has been rendered moot by the amendment of claim 7 to delete the second occurrence of “ureido(C<sub>1</sub>-C<sub>6</sub>)alkylcarbonylamino”. Applicants respectfully request this rejection be withdrawn.

**au) Claim 8 is vague and indefinite in that it is not known what is meant by “pamoatesalts”.**

This rejection has been rendered moot by the amendment of claim 8 to recite “pamoate salts”. Applicants respectfully request this rejection be withdrawn.

**av) Claims 10, 13 and 14 are substantial duplicates of claim 9, as the only difference is a statement of intended use which is not given material weight.**

This rejection has been rendered moot by the cancellation of claims 9-14. Applicants respectfully request this rejection be withdrawn.

**aw) Claim 9 is vague and indefinite in that it is not known what is meant by “chronic obstructive pulmonary disease (COPD) allergic conditions”. See lines 18-19 on page 84.**

This rejection has been rendered moot by the cancellation of claim 9. Applicants respectfully request this rejection be withdrawn.

**ax) Claim 11 is vague and indefinite in that it is not known what is meant by “chronic obstructive pulmonary disease (COPD) allergic conditions”. See lines 9-10 on page 85.**

This rejection has been rendered moot by the cancellation of claim 11. Applicants respectfully request this rejection be withdrawn.

**ay) Claim 13 is vague and indefinite in that it is not known what is meant by “chronic obstructive pulmonary disease (COPD) allergic conditions”. See line 37 on page 85 through line 1 on page 86.**

This rejection has been rendered moot by the cancellation of claim 13. Applicants respectfully request this rejection be withdrawn.

**az) Claims 9-14 are vague and indefinite in that the claim provides for the use of claimed compounds, but the claim does not set forth any steps involved in determining which are the diseases capable of being mediated by a chemokine receptor.**

This rejection has been rendered moot by the cancellation of claims 9-14. Applicants respectfully request this rejection be withdrawn.

#### **VIII. Conclusion**

Applicants respectfully request reconsideration of the subject application in view of the above remarks. The subject application is now in condition for allowance and early notice to that effect is respectfully solicited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 16-1445. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

Date: 5/11/04

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